

**RULES
OF
THE TENNESSEE DEPARTMENT OF SAFETY
HIGHWAY PATROL DIVISION**

**CHAPTER 1340-03-04
MUNICIPAL ENFORCEMENT OF RULES OF THE ROAD**

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1340-03-04-.01 PURPOSE.

- (1) To provide the Department of Safety with information about the enforcement of rules of the road on interstate highways by law enforcement agencies of municipalities with a population of 10,000 persons or less and to establish terms for the manner and method of enforcement of rules of the road on interstate highways by law enforcement agencies of municipalities with a population of 10,000 persons or less.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004. **Administrative**

History: Original rule filed December 6, 2004; effective April 29, 2005.

1340-03-04-.02 DEFINITIONS.

- (1) Commissioner means the Commissioner of the Tennessee Department of Safety.
- (2) Department means the Tennessee Department of Safety.
- (3) Interstate highways mean the Dwight D. Eisenhower national system of interstate and defense highways.
- (4) Municipality means a city or town properly incorporated as a municipal corporation with a population of 10,000 or less according to the 2000 Decennial census or any subsequent census.
- (5) Municipal law enforcement agency means the police department of a municipality with a population of 10,000 or less according to the 2000 Decennial census or any subsequent census.
- (6) Chief law enforcement officer means the chief, director, or the highest ranking officer known by any other title of a municipal law enforcement agency in a municipality with a population of 10,000 or less according to the 2000 Decennial census or any subsequent census.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004. **Administrative**

History: Original rule filed December 6, 2004; effective April 29, 2005.

1340-03-04-.03 LOCAL AUTHORIZATION.

- (1) A municipal law enforcement agency shall not enforce rules of the road on interstate highways unless the legislative body of the municipality authorizes such enforcement. An ordinance or resolution authorizing enforcement of rules of the road, if approved, shall be submitted to the Commissioner. Once an ordinance or resolution is received by the Commissioner, the ordinance or resolution shall be maintained on file by the Department and shall satisfy the requirement of this section unless and until a subsequent resolution or ordinance repealing such authorization is submitted to the Commissioner.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004. **Administrative**

History: Original rule filed December 6, 2004; effective April 29, 2005.

1340-03-04-.04 LISTING OF HIGHWAYS.

- (1) The chief law enforcement officer of each municipality properly authorized by the local legislative body to enforce rules of the road on interstate highways shall file with the Commissioner a listing of interstate highways within the municipality's law enforcement jurisdiction.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004. **Administrative**

History: Original rule filed December 6, 2004; effective April 29, 2005.

1340-03-04-.05 ANNUAL ENFORCEMENT NOTICE.

- (1) The chief law enforcement officer of each municipality properly authorized by the local legislative body to enforce rules of the road on interstate highways shall file with the Commissioner notification of a municipal law enforcement agency's intent to enforce rules of the road on interstate highways.
- (2) A law enforcement agency intending to enforce the rules of the road on the interstate highways shall file its notice:
 - (a) Between November 1 and December 31 of a calendar year for authorization for the next calendar year;
 - (b) Between January 1 and October 31 of a calendar year for authorization between the date of approval by the Commissioner and December 31 of that same calendar year;
 - (c) Between November 1 and December 31 of a calendar year for authorization for the remainder of the same calendar year, only if the notification is accompanied by a letter, on agency letterhead, stating the notification is for the remainder of the calendar year.
 1. The law enforcement agency will need to file a separate notification for the next calendar year in accordance with subparagraph (2)(a).
- (3) In no event shall a notification for a law enforcement agency's authority to enforce the rules of the road on the interstate highways be valid prior to the date of approval by the Commissioner.
- (4) In no event shall a notification for a law enforcement agency's authority to enforce the rules of the road on the interstate highways be valid for any period of time beyond the calendar year for which it is authorized.

(Rule 1340-3-4-.05, continued)

- (5) The notification by a law enforcement agency shall include, at a minimum, the following information:
- (a) A statement indicating the anticipated frequency of enforcement activities expressed as the anticipated number of hours per week in which the municipal law enforcement agency will have one or more officers engaged in enforcement of the rules of the road on interstate highways.
 - (b) A statement indicating whether enforcement efforts will include active patrols or other methods of enforcement.
 - (c) A statement that all officers engaged in enforcement of the rules of the road have read, understand, and will follow the General Orders listed herein and addendums thereto issued by the Tennessee Highway Patrol to ensure their safety, the safety of the public, and to ensure uniform enforcement procedures and standards:

G.O. # 405 – Traffic Direction and Control

G.O. # 411 – Pursuit Driving; Routine and Emergency Operations of the Patrol Vehicle

G.O. # 412 – The Use of Tire Deflation Devices

G.O. # 415 – Motorcycle Operations

G.O. # 430 – Traffic Crash Investigations

G.O. # 501 – Enforcement Policy and Professional Conduct

G.O. # 505 – Stop and Approach

G.O. # 506 – Profiling

G.O. # 513 – Vehicle Inventory and Searches

G.O. # 520 – Uniform Citations

G.O. # 521 – Use of a Warning Ticket

G.O. # 555 – Speed Measurement

G.O. # 710-1 – Use and Investigation of Deadly Force Incidents

G.O. # 712-1 – Cameras (In-Car)

G.O. # 730 – Maintenance, Assignment and Inventory of Radar Equipment

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308. **Administrative History:** Original rule filed December 6, 2004; effective April 29, 2005. Repeal and new rule filed August 21, 2008; effective December 29, 2008.

1340-03-04-.06 CRASH INVESTIGATION.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall have authority to assist motorists and investigate crashes on such highways to the fullest extent that resources permit.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004. **Administrative History:** Original rule filed December 6, 2004; effective April 29, 2005.

1340-03-04-.07 EGRESS AND INGRESS.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall utilize established and clearly marked points of egress and ingress and may use restricted emergency vehicle turnarounds to change direction on divided highways. A municipal law enforcement agency enforcing the rules of the road on interstate highways shall not drive across a median to change direction on a divided highway unless responding to a crash or other incident in which injury or death of motorists, bystanders, or law enforcement personnel is suspected to have occurred, has occurred, or seems likely to occur.

(Rule 1340-3-4-.07, continued)

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004. **Administrative History:** Original rule filed December 6, 2004; effective April 29, 2005.

1340-03-04-.08 CLEARLY IDENTIFIED VEHICLES.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall utilize only clearly marked law enforcement vehicles and shall not utilize unmarked law enforcement vehicles.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004. **Administrative History:** Original rule filed December 6, 2004; effective April 29, 2005.

1340-03-04-.09 CERTIFIED SPEED DETECTION EQUIPMENT.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways, to the extent that speed detection equipment is used, shall utilize speed detection equipment tested and certified by the International Association of Chiefs of Police (IACP). Refer to paragraph 2 below for radar speed-measuring device models meeting the minimum performance specifications as published by the National Highway Traffic Safety Administration (NHTSA) of the USDOT. The requirements of General Order numbers 555 and 730 must be adhered to in checking, maintaining and testing such devices. A certified radar technician must also recertify this equipment annually pursuant to the manufacturer's recommendations. The operator of such equipment must also be certified and recertified annually on the use and operation of the speed detection equipment pursuant to the certification requirements of General Order number 555.
- (2) Refer to the following web sites for speed detection equipment models:
<http://www.theiacp.org/profassist/RadarCPL/pdf> List (Authorized).
<http://www.theiacp.org/profassist/viewcpl.html> Lidar (Authorized Laser).
<http://www.theiacp.org/profassist/IACPATRRadarModule6104R1.pdf>
Across-the-road speed-measuring devices.
<http://www.theiacp.org/profassist/IACPDTRRRadarModule6104R1.pdf>
Down-the-road speed-measuring devices.
<http://www.theiacp.org/profassist/IACPLidarModule6104R1.pdf> Lidar (laser) speed-measuring devices.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004. **Administrative History:** Original rule filed December 6, 2004; effective April 29, 2005.

1340-03-04-.10 CERTIFIED PEACE OFFICERS.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall permit only properly certified peace officers to enforce rules of the road. No reserve officer, part-time officer, or other uncertified peace officer may enforce rules of the road on interstate highways.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004. **Administrative History:** Original rule filed December 6, 2004; effective April 29, 2005.

1340-03-04-.11 GENERAL PURSUIT POLICY.

- (1) Each municipal law enforcement agency enforcing rules of the road on interstate highways shall be familiar with and abide by the Department's general pursuit policy or, in the alternative, a municipal law enforcement agency may abide by a local pursuit policy that is at

(Rule 1340-03-04-.11, continued)

least as restrictive as the Department's general pursuit policy. Any local law enforcement agency utilizing its own pursuit policy shall be responsible for determining if the local pursuit policy is at least as restrictive as the Department's general pursuit policy.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004. **Administrative History:** Original rule filed December 6, 2004; effective April 29, 2005.

1340-03-04-.12 ASSISTANCE.

- (1) In the case of any response, incident, or enforcement activity involving the State Highway Patrol or any other state law enforcement personnel, a municipal law enforcement agency shall assist or support the State Highway Patrol or any other state law enforcement personnel only to the extent requested by the State Highway Patrol or any other state law enforcement agency. The municipal law enforcement agency shall assume a supporting role, unless otherwise requested, regardless of whether the initial response, incident, or enforcement activity was initiated by the municipal law enforcement agency, or by the State Highway Patrol or any other state law enforcement agency.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308 and Public Chapter 914 of 2004. **Administrative History:** Original rule filed December 6, 2004; effective April 29, 2005.

1340-03-04-.13 COMPLIANCE OVERSIGHT.

- (1) The Department of Safety reserves the right to visit and/or inspect any municipality authorized to enforce the rules of the road on the interstate highways to ensure that the municipality is complying with these rules and all General Orders listed in 1340-03-04-.05(5)(c).

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308. **Administrative History:** Original rule filed August 21, 2008; effective December 29, 2008.

1340-03-04-.14 REVOCATION OF AUTHORIZATION.

- (1) Upon determining that a municipality is not complying with these rules and all General Orders listed in 1340-03-04-.05(5)(c), the Commissioner (or the Commissioner's designee) shall revoke the authorization for the municipality to enforce the rules of the road on the interstate highways.
- (2) Such revocation shall be made in writing and sent by certified mail, return receipt requested, thirty (30) days prior to the effective date of the revocation of authority to the chief law enforcement officer of the municipality.
- (3) The municipal law enforcement agency shall have twenty (20) days from receipt of the revocation notification to provide proof to the department that the municipal law enforcement agency is or will be compliant with these rules and all General Orders listed in 1340-03-04-.05(5)(c). Timely submission of proof to the department shall stay the revocation until the department has made a determination whether or not to rescind the revocation.
- (4) If the proof submitted under paragraph (3) is acceptable to the department, the Commissioner (or the Commissioner's designee) shall inform the chief law enforcement officer in writing, by facsimile and mail, that the revocation is being rescinded.
- (5) If the proof submitted under paragraph (3) is not acceptable to the department, the Commissioner (or the Commissioner's designee) shall inform the chief law enforcement officer in writing, by facsimile and mail, that the revocation will be effective either:

(Rule 1340-3-4-.14, continued)

- (a) on the thirtieth (30th) day after the initial revocation letter was sent; or,
- (b) if the determination is made more than thirty (30) days after the initial revocation letter was sent, that the revocation will be effective immediately.

Authority: T.C.A. §§4-3-2009, 4-7-112, 55-10-308. **Administrative History:** Original rule filed August 21, 2008; effective December 29, 2008.